THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.11116 OF 2001

DISPOSED OF ON 09-09-2005

BETWEEN:

Dr.Indukuri Rama Krishna Gandhi …. Petitioner

And

Government of A.P. and others … Respondents

THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.11116 OF 2001

O R D E R :

1. This Writ Petition has been filed by Dr.Indukuri Rama Krishna Gandhi with a prayer to issue a Writ of Mandamus declaring the action of respondents 1 to 4 in not taking any action on the representation submitted by him on 24.10.2000 about the illegal and highhanded constructions made in Sri Latha Apartments, Prakasam Road, Bhimavaram by respondents 5 and 6 in utter violation of the provisions of A.P. Municipalities Act as illegal and arbitrary.

2. The petitioner submitted a representation to the 3rd respondent complaining about the unauthorized constructions of respondents 5 and 6. Since no action has been taken by 3rd respondent he approached this court by invoking jurisdiction under Art.226 of the Constitution of India.

3. It is stated in the counter filed by 2nd respondent that the matter was referred to Municipal Commissioner, Bhimavaram through a letter-dated 3.2.2001. Para 4 of the counter reads as follows:

> " 4. The matter was referred to the Municipal Commissioner, Bhimavaram through office Lr.No.11307/00/R2, dt.3.7.2001 and requested to inform the action taken by the respondent No.3 on the unauthorized construction made by Smt.G.L.Narasaiah, w/o Subba Raju. This office has also requested the Municipal Commissioner vide this office Lr.No.3979/98/R1, Dt.24.9.98 while communicated the technical clearance to Municipal Commissioner to strictly adhering to the condition laid down therein as the implementing agency is the Municipality and the respondent(3) has got powers with him under the provisions of APM Act, 1965."

4. No counter has been filed by respondents 5 and 6. When the matter is taken up for hearing there is no representation on their behalf. Hence, heard counsel for the petitioner and perused the records.

5. While admitting the writ petition a direction has been issued to respondents 3 and 4 calling upon them to report as to what action they have taken on the representation submitted by the petitioner with regard to unauthorized constructions. Subsequently on 1.8.2002 a direction has been given to 3rd respondent to take appropriate action on the representation dated 24.10.2000. Learned counsel for the petitioner submits that 3rd respondent has not yet taken any action on the representation submitted by the petitioner on 24.10.2000.

6. In the circumstances of the case, this writ petition is disposed of directing 3rd respondent to consider the representation of the petitioner-dated 24.10.2000 and pass appropriate orders within two months from the date of receipt of a copy of this order. No costs.

Dated: 09-09-2005. (B.Seshasayana Reddy,J)

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